

## Assembly Bill No. 1379

### CHAPTER 333

An act to amend Section 2890.2 of the Public Utilities Code, and to amend Section 1 of Chapter 286 of the Statutes of 2002, relating to telecommunications.

[Approved by Governor September 6, 2003. Filed  
with Secretary of State September 8, 2003.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1379, Calderon. Telecommunications: mobile telephony service.

Existing law requires a provider of commercial mobile radio service, no later than January 1, 2004, to provide subscribers with a means by which a subscriber can obtain reasonably current and available information on the subscriber's calling plan or plans and service usage.

This bill would require a provider of mobile telephony service to include roaming usage and charges in that information.

Existing law requires each provider of commercial mobile radio service to inform subscribers of the above information at the time service is established.

This bill would instead require each provider of mobile telephony service to so inform subscribers.

Existing law states the Legislature's intent that reasonably available, current usage information be provided to all commercial mobile radio service subscribers, taking into consideration technical limitations that may affect reporting to a consumer, including, but not limited to, limitations on reporting "roaming" minutes incurred when a commercial mobile radio service subscriber is outside his or her plan coverage area.

This bill would delete that provision.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2890.2 of the Public Utilities Code is amended to read:

2890.2. (a) No later than January 1, 2004, a provider of mobile telephony services shall provide subscribers with a means by which a subscriber can obtain reasonably current and available information, as determined by the provider, on the subscriber's calling plan or plans and service usage, including roaming usage and charges.



(b) Each provider of mobile telephony services shall inform subscribers at the time service is established of the availability of the information described in subdivision (a) and how it may be obtained.

(c) For purposes of this section, “mobile telephony services” means commercially available interconnected mobile phone services that provide access to the public switched telephone network (PSTN) via mobile communication devices employing radiowave technology to transmit calls, including cellular radiotelephone, broadband Personal Communications Services (PCS), and digital Specialized Mobile Radio (SMR). “Mobile telephony services” does not include mobile satellite services or mobile data services used exclusively for the delivery of nonvoice information to a mobile device.

SEC. 2. Section 1 of Chapter 286 of the Statutes of 2002 is amended to read:

Section 1. The Legislature finds and declares all of the following:

(a) Mobile telephony service subscribers may currently be unable to monitor their call time minutes, including roaming usage and charges, and, as a result, they face higher rates because they unknowingly exceed the number of minutes included under their plans.

(b) Mobile telephony service subscribers need reasonably accurate information relative to their current service usage in order to enable them to better utilize their particular calling plans.

(c) Providing mobile telephony service subscribers with a reasonable estimate that includes a differentiation between the types of usage covered by their plans, such as “peak” versus “free” minutes, will enable subscribers to make informed decisions about their mobile telephony service.

(d) The Legislature intends to require the provision of reasonably available usage information by mobile telephony service providers by January 1, 2004.

(e) Technology exists to provide mobile telephony service subscribers with reasonably accurate information relative to their current service usage, including roaming usage and charges, and this type of information can be obtained through a variety of sources, including, but not limited to, cellular telephone providers, Internet Web sites, and traditional telephone customer service providers, such as 1-800 telephone numbers.

(f) The Legislature intends that reasonably available, current usage information be provided to all mobile telephony service subscribers, taking into consideration technical limitations that may affect reporting to a consumer, including, but not limited to, limitations on reporting



“roaming” minutes incurred when a mobile telephony service subscriber is outside his or her plan coverage area.

O

